



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,494	02/06/2002	Taeg-Hyun Kang	40013.001	1924

27966 7590 05/01/2003

KENNETH E. HORTON
RADER, FISHMAN & GRAUER PLLC
RIVERPARK CORPORATE CENTER ONE
10653 SOUTH RIVERFRONT PARKWAY, SUITE 150
SOUTH JORDAN, UT 84095

EXAMINER

MANDALA, VICTOR A

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,494

Applicant(s)

KANG ET AL.

Examiner

Victor A Mandala Jr.

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 and 30-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-29, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

1. The Applicant continues to argue the election restriction requirement, in Paper No. 6, that the examiner did not explain why the arguments, in Paper No. 3, were found non-persuasive. The examiner has replied in Paper No. 4 that the Applicant's arguments were not found persuasive, in which the examiner is asserting that there is a burden to the examiner to search the method claims and there is a distinction between the two claimed inventions, which are noted by the independent classifications. The Applicant has also agreed with the examiner that the distinct independency of the inventions in Paper No. 3. The Election of the Device claims 1-10, 19-29, 40 and 41 is restated from Paper No. 4, to be final.
2. The Applicant has argued in Paper No. 6 that the 35 U.S.C. 112 1st paragraph rejection, in Paper No. 4, should be withdrawn in view of the stated arguments. The examiner has considered the Applicant's arguments, but finds them to be non-persuasive because as stated by the Applicant that the only disclosed statement in the disclosure that recites a transistor without a gate insulator is Paragraph 33, "a **thin** gate insulator does not exist in the field transistor". The examiner wants to distinctly point out to the Applicant what the cited notation means, such as the field effect transistor does not have a **thin** gate insulator, but there is no indication that a gate insulator does not exist, such that a **thick** gate insulator would be sufficient, in which Figure 2 **does** show. The 35 U.S.C. 112 1st paragraph rejection on claims 40 and 41 will stand as stated in Paper No. 4.

Art Unit: 2826

3. The Applicant has argued in Paper No. 6 that the objection to the drawings should be withdrawn in view of the stated arguments. The examiner has considered the Applicant's arguments, but finds them to be non-persuasive. The Applicant points out that the FOX layer is not a gate insulator, but it is well known to one having ordinary skill in the art that a field oxide layer is an insulator. It is also known in the art that an insulating layer directly above a channel, between a source and drain, and directly below a gate is a gate insulator. The Applicant's drawing do not show a field transistor that does not have a gate insulator, thus the objection to the drawings as stated in Paper No. 4 will stand.

4. In light of Amendment A, in Paper No. 6, claims 1-10 & 19-29 will be further examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10, 19-29, 40 and 41 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The invention shows a thick gate insulator in Figure 2 #170 and the disclosure discloses a gate insulator, but claims 1-10, 19-29, 40 and 41 are teaching the invention without a gate insulator. Further detail of the examiner's stance is noted in #2 and #3, Response to Amendments, above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor A Mandala Jr. whose telephone number is (703) 308-6560. The examiner can normally be reached on Monday through Thursday from 8am till 6pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

VAMJ

April 22, 2003